GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Water Resources (LA)Dept.,- Land Acquisition- Lands/structures under foreshore submersion of Somasila Project - Writ Petitions filed in W.P.No.18198/2015 by Sri Nallu Venkatesu and 19 others and W.P.No26380/2015 filed by Sri Chukka Penchaliah and 15 others R/o Chukkayaplli S.T.Colony, Nandalu Mandal, Kadapa District before the Hon'ble High Court of A.P, Hyderabad for payment of Market value to the lands/houses of the petitioners as per the provision of Act No.30/2013- Common order passed by the Hon'ble High Court in WP No.18198/2015 and WP No.26380/2015, dated:20.09.2016- Personal appearance of respondents ordered in C.C.NO.2626/2016 in W.P.No.26380/2015 for non-compliance of orders of High Court - Payment of compensation to the structures of the petitioners in Chukkayapalli village, Nandalur Mandal, Kadapa Dist-Orders- Issued.

WATER RESOURCES (LA) DEPARTMENT

G.O.RT.No. 38 Dated: 03-02-2017

Read the following

1) Hon'ble High Court orders dt.20.9.2016 in W.P.No.18198/2015 and 26380/2015
2) From the Special Collector (LA), G.N.S.S, Kadapa, Lr.No.No.A1/233/2012/ dated:17.12.2016.
3) Hon'ble High Court orders in Contempt Case No.2626/2016 in W.P.No.26380/2015 dt.2.1.2017.
4) From the Spl. Collector (LA) GNSS, Kadapa Lr. No.A1 / 233 / 2012, dt.9.1.2017 addressed to the Spl. Deputy Collector (LA) S.S.P. Unit-IV, Rajampet, Kadapa Dist.

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O R D E R:

Sri Nallu Venkatesu and 19 others, R/o Chukkayapalli S.T.Colony, Nandalur Mandal, Kadapa Dist., have filed W.P No. 18198/2015 and Sri Chukka Penchalaiah and 15 others, R/o Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa District have filed W.P No. 26380/2015 before the Hon'ble High Court of A.P., Hyderabad for payment of Market value to the lands/houses of the petitioners as per the provision of Act No. 30/2013.

2. In the reference 1st read above, the Hon,ble High Court of Andhra Pradesh, Hyderabad has ordered as follows:

In W.P.No. 18198 of 2015, the petitioners seeking mandamus to declare the action of the respondents in not awarding compensation to the petitioners as per their entitlement and in passing the proceedings No. B/29/2014 dated 21/01/2015 by the third respondent, Special Deputy Collector [L.A], unit-IV, Rajampeta as illegal, void, arbitrary, being contrary to the provisions of Act No.30 of 2013 and against Article 21 and 300-A of the Constitution of India and also not in consonance with the principles laid down in LAO- cum-Revenue Divisional Officer V/s. Mekala Pandu and Others as confirmed by the Hon'ble Supreme Court of India in Civil Appeal Nos. 7904-7912 of 2012 dated 04/8/2014. Consequently, set aside the same and direct the respondents to pay compensation as per market value to the lands/houses of the petitioners as per the provisions of Act No.30 of 2013.

In WP. No.26380 of 2015, the petitioners seeking mandamus to declare the proceedings of the Special Deputy Collector [Land Acquisition] SSP Unit-IV, Rajampet, third respondent herein, vide proceedings reference No. B/29/2014 dated 25.06.2014 and consequent GO.Ms.No.68, dated 27/11/2014 Irrigation Department, issued by the Government of Andhra Pradesh, the first Respondent herein, in rejecting the payment of compensation to the petitioners as illegal, void, arbitrary, being contrary provisions of Act No.30/2013 and also not in consonance with the principles laid down in Mekala Pandu (supra) as confirmed by the Hon'ble Supreme Court of India in Civil Appeal noted above. Consequently, set aside the same and direct the respondents to pay compensation as per market value to the lands/houses of the petitioners as per the provisions of Act No.30 of 2013.

3. The Hon'ble High Court recorded following orders passed in WP MP No.24277 of 2015 dated 26.04.2016.

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Having regard to the statement of Sri C. Narasimhulu, Tahsildar, Obulavaripalli, who had worked as Tahsildar, Nandalur from 13/06/2014 to 16/06/2015, before the Judicial Magistrate of First Class, Nandalur in Crime No. 73 of 2015 of Nandalur Police Station, where the petitioners are arrayed as accused to the effect that the house-site pattas given to the petitioners are genuine and that he had given the police complaint against the petitioners on account of mistake of fact, the respondents shall not dispossess the petitioners from the lands in their occupation until further orders.

In view of the statement made by the Tahasildar, Nandalur, before the Court, it is an admitted fact that the petitioners are possessing the lands mentioned above and they are the assignees of the lands. Therefore, in view of the judgment rendered by 7 Judges bench of this Court noted above, the petitioners are also entitled for compensation under the Land Acquisition Act. Since the petitioners in W.P. No. 18198 of 2015 have received ex-gratia, the ex-gratia amount shall be adjusted in passing the award and the same shall be deducted in the award.

4. Orders in Writ Petition No.26380/2015.

The present writ petition and W.P. No. 18198 of 2015 which has been disposed as mentioned above, the only difference is that the petitioners in the present writ petition have not received ex-gratia/compensation amount. Originally the petitioners in this writ petition are assignees of the land in survey No.69/2 of Chukkayapally village [ST colony] Sapulavaripalle Gram Panchayat, Nandaluru Mandal, Kadapa District. They have been residing in the said survey number by constructing houses for over three decades and all of them were allotted "D" form house site pattas on 17/4/2004 by the fourth respondent herein, Mandal Revenue Officer, Nandaluru, Kadapa District and the possession of the petitioners is not disputed by the respondents. Chukkayapally [ST Colony] is one among several villages, which were identified as submergible under foreshore submersion of Somasila Project. The Land Acquisition Authorities acquired patta lands and paid compensation as per the Land Acquisition Act. In respect of the assigned land the Government has paid ex-gratia to assignees in the affected area to several persons. However, no amount has been paid to the petitioners. In spite of several requests, the Land Acquisition Authorities and the District Empowered Committee did not respond. Accordingly, in view of the order passed by this Court in WP.No.18198 of 2015 supra, the respondents are directed to complete the process by attending all formalities and pay compensation to the petitioners within six weeks from the date of receipt of a copy of the order.

5. Subsequently, on the contempt case filed by the petitioners for non-compliance of High Court orders in Writ Petition No.26380/2015, the Hon,ble High Court in the reference 3rd read above, has ordered for personal appearance of 1st respondent (Secretary, W.R. Dept) before the court on 20.1.2017.

6. In the reference 2nd read above, the Spl. Collector (LA), GNSS, Kadapa while narrating the circumstances of the case has informed that he has instructed the Special Deputy Collector (LA), Somasila Project, Unit-IV, Rajampet to send proposals for balance payment of 20 structures in terms of New L.A Act as ordered by the Hon'ble High Court in WP No. 18198/2015 , Dt: 20.09.2016, since exgratia amount was paid for 20 structures in Chukkayapalli S.T. Colony, Nandalur (M) as ordered by the Government in G.O.Ms.No. 68 I & CAD (L.A) Dept., Dt 27-11-2014. Subsequently, the Spl. Collector (LA) GNSS, Kadapa in the reference 4th read above, has also approved the proposals of the Spl. Deputy Collector (LA) S.S.P. Unit-IV for payment of balance compensation in respect of 20 structures of Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa District as ordered by the Hon'ble High Court in W.P.18198/2015 dt.20.9.2016.

7. With regard to payment of 16 structures out of 36 structures in Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa District, the Special Collector (LA), GNSS, Kadapa in the reference 2nd read above, has requested the Government to issue necessary instructions for acquisition of 16 structures in Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa Dist. for taking further action as ordered by the Hon'ble High Court in W.P.No.26380/2015 dt.20.9.2016.

8. After careful examination of the matter, Government hereby direct the Special Collector (LA) GNSS, Kadapa to initiate process immediately for acquisition and payment of 16 structures in Chukkayapalli S.T. Colony, Nandalur Mandal Kadapa District to comply with the Hon'ble High Court orders in W.P.No. 26380/2015, Dt: 20.09.2016, since the Special Collector (LA) GNSS, Kadapa in the reference 4th read above, has already approved the proposals of the Special Deputy Collector (LA) S.S.P. Unit-IV,

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Rajampet, for payment of balance compensation in respect of 20 structures in Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa District to comply with the Hon'ble High Court in W.P.18198/2015 dt.20.9.2016.

9. The Chie Engineer, NTR Telugu Ganga Project, Tirupathi also shall take necessary action in the matter to avoid further legal complications in the case.

10. This orders issues with the concurrence of Finance (FMU:WR.II) Dept., vide their U.O.No. 48022/23/ FMU-WR.II/2017, dated:25.01.2017.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHASHI BHUSHAN KUMAR
SECRETARY TO GOVERNMENT

To
The Spl. Collector (LA) GNSS, Kadapa.
The Chief Engineer, NTR Telugu Ganga Project, Tirupathi, Chittoor Dist.
The Spl. Deputy Collector (LA) S.S.P. Unit-IV, Rajampet, Kadapa Dist.
The Government Pleader for I&CAD High Court of Andhra Pradesh, Hyderabad W.r.t W.P. No.18198/2015 and in C.C.No.2626/2016 in W.P.No.26380/2015 for taking further action.
Copy to:
The P.S., to Hon'ble Minister (WRD)
P.S., to Secretary (WR)
The Law Department
The Finance (FMU:WR.II) Dept.

// FORWARDED :: BY ORDER //

SECTION OFFICER